

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Gabriella Carpenter	Team: Squad #5	CCRB Case #: 201706321	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/27/2017 11:45 AM	Location of Incident: § 87(2)(b)	Precinct: 84	18 Mo. SOL 1/27/2019	EO SOL 1/27/2019	
Date/Time CV Reported Fri, 07/28/2017 7:07 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/03/2017 11:02 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Jesse Trap	10734	960033	084 PCT
2. POM Robert Maldonado	20175	958862	084 PCT
3. POM Johnny Solomon	15180	957183	084 PCT
4. POM Pratik Patel	17408	959048	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Robert Maldonado	Abuse: Police Officer Robert Maldonado forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B.POM Johnny Solomon	Abuse: Police Officer Johnny Solomon forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
C.POM Pratik Patel	Abuse: Police Officer Pratik Patel forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
D.POM Jesse Trap	Abuse: Police Officer Jesse Trap forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

## Case Summary

§ 87(2)(b) filed a complaint with the CCRB over the phone on July 28, 2017.

On July 27, 2017, at approximately 11:45 a.m., Police Officer Jesse Trap, Police Officer Robert Maldonado, Police Officer Johnny Solomon, and Police Officer Pratik Patel, all of the 84<sup>th</sup> Precinct, responded to a call about an EDP at § 87(2)(b) in Brooklyn and removed § 87(2)(b) to § 87(2)(b) (**Allegations A through D: Abuse of Authority, § 87(2)(g)**). No video evidence was available for this incident.

## Findings and Recommendations

**Allegation A: Abuse of Authority: Police Officer Robert Maldonado forcibly removed § 87(2)(b) to the hospital.**

**Allegation B: Abuse of Authority: Police Officer Johnny Solomon forcibly removed § 87(2)(b) to the hospital.**

**Allegation C: Abuse of Authority: Police Officer Pratik Patel forcibly removed § 87(2)(b) to the hospital.**

**Allegation D: Abuse of Authority: Police Officer Jesse Trap forcibly removed § 87(2)(b) to the hospital.**

It is undisputed that officers removed § 87(2)(b) to § 87(2)(b) in an ambulance.

PO Trap testified that he and PO Maldonado received a call about an EDP who was off his medication at § 87(2)(b) in Brooklyn (BR 01). PO Solomon and PO Patel also responded. The location is an assisted living facility and PO Trap thought that a staff member made the 911 call. When they arrived at the location, the officers spoke to the man's therapist or psychiatrist, who told them that the man had been off his medication for a while and needed to go to the hospital. EMTs responded and the therapist or psychiatrist told them that § 87(2)(b) needed to go to the hospital. After the EMTs and officers spoke to him for a few minutes, § 87(2)(b) (BR 06) agreed to go to the hospital and walked with them voluntarily without being restrained. PO Patel and PO Solomon escorted § 87(2)(b) to § 87(2)(b).

PO Solomon's (BR 02) and PO Patel's (BR 03) statements were consistent with PO Trap's with the following distinctions: PO Solomon and PO Patel thought that the woman who determined that § 87(2)(b) needed to go to the hospital was a social worker, and PO Solomon thought that the EMTs made the final determination that § 87(2)(b) needed to go to the hospital after the social worker recommended it.

A psychiatrist called 911 and reported that there was an EDP at § 87(2)(b), a home for people with mental illnesses (BR 04). The caller reported that the man had a mental history, was extremely agitated, and was scaring staff members at the location.

Officers must take anyone who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others into protective custody and have them removed to the hospital in an ambulance. Officers should not attempt to take EDPs into custody without the specific direction of a supervisor. Patrol Guide Procedure 221-13 (BR 05).

§ 87(2)(g)

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint involving § 87(2)(b)
- PO Trap has been a member of the service for two years and has had three other CCRB allegations pled against him in three cases, none of which were substantiated § 87(2)(g)
- PO Maldonado has been a member of the service for two years and has not had any other CCRB allegations pled against him.
- PO Solomon has been a member of the service for three years and has had one other CCRB allegation pled against him that was not substantiated § 87(2)(g)
- PO Patel has been a member of the service for two years and has had one other CCRB allegation pled against him that was not substantiated § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- This case was returned from mediation on October 16, 2017.
- This report was submitted pending a FOIL request sent to the comptroller's office on December 6, 2017 for any notice of claim filed in regard to this incident.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date